S.B. Civil Writ Petition No.738/06
Dr. Neha Vs. State & Ors.

Date of Order : 03/03/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Sandeep Saxena, for petitioner

Instant petition has been filed against the order of Tribunal dt.18th November, 2005.

The petitioner is working as Lecturer [Zoology] and remained posted in Kota, as informed by the petitioner, since 1993 was transferred to Bhawani Mandi which is at a distance of 60 kms. vide order dt.28th September, 2005 [Ann.1].

Counsel for petitioner contends that the issue raised by her before the Tribunal is that the petitioner was teaching Post Graduate Classes and there is no such Post Graduate College in Bhawani Mandi and her husband who is also in Government Service has been transferred to Kota only in 2001 and after they remained posted in Kota for only four years, she has been transferred by the respondents in the mid of academic session has not been considered by the Tribunal while passing the order impugned.

The learned Tribunal after taking into consideration the material recorded a finding that once the petitioner remained posted for sufficient long time and undisputedly when she is holding a transferable post, no right can be claimed by her to remain at a particular station and it is the prerogative of the Government to transfer in the interest of administration and in exigency of service.

So far as the submission made by the counsel that she was teaching Post Graduate Classes at Kota, in my opinion, has no substance for the reason that she is a Lecturer and supposed to teach Post Graduate/Under Graduate Classes wherever are posted. When husband and wife both are government servant, certainly holding transferable job the Government always considers to keep them at one station as far as possible, but both of them cannot claim to remain posted at the same station for sufficient long time.

Third submission with regard to passing of order during the mids of academic session, in my opinion, the Government if considered to shift an incumbent in the interest of administration even in mids of academic session, I find no illegality in the said decision particularly when the petitioner has failed to impute any malice against the

authority who has passed the order of transfer. The finding recorded by the Tribunal is only supported by the material on record and requires no interference.

Consequently, the writ petition stands dismissed. However, counsel submits that she has submitted representation as observed by the Tribunal in the order impugned, in my opinion, if such representation has been submitted, the same may be considered by the competent authority sympathetically looking to the difficulty which she has submitted before the Tribunal for consideration.

[Ajay Rastogi],J.

FRB